

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7598

Investigation of Tariff filing of Vermont Marble     )  
Power Division of OMYA, Inc., requesting a rate     )  
increase and rate design changes, effective     )  
March 1, 2010     )

Order entered: 3/31/2010

**ORDER RE MOTIONS TO INTERVENE**

On March 18, 2010, Vermont Quarries Corporation ("Vermont Quarries") filed a motion to intervene in this Docket. In its motion, Vermont Quarries asks that it be allowed to intervene as of right, pursuant to Board Rule 2.209(A), and in the alternative asks that it be granted permissive intervention pursuant to Board Rule 2.209(B).

In its motion to intervene, Vermont Quarries states that the proposed rate increase for Vermont Quarries is more than double the increase proposed for other ratepayers and that the proposed change in rate design creates a rate class of one for Vermont Quarries.<sup>1</sup> Vermont Quarries contends that the proposed rate increase and rate design "is unjustified and unfair, especially given the poor reliability of electric service it experiences from the remarkable number of power outages caused by inadequate transmission line maintenance." Vermont Quarries maintains that it will be adversely affected if the proposed rate change is granted and no other ratepayer or party is similarly situated, and therefore no other party can adequately protect its interests. Vermont Quarries further states that its intervention will not unduly delay the proceedings or prejudice the interests of existing parties or the public.

---

1. On January 6, 2010, Vermont Marble Power Division of OMYA, Inc. ("Vermont Marble") filed revised tariffs and cost of service schedules requesting an increase in its retail rates and changes to its rate design. The proposed rate request reflects an increase to residential, light commercial and street lighting rates of 23.71 percent, and an increase to commercial primary service rates of 51.66 percent.

On March 24, 2010, Vermont Marble filed a letter stating that while "disputing many of the allegations contained in the motion," it does not oppose Vermont Quarries' motion to intervene. No other party filed a response to Vermont Quarries' motion to intervene.

Given that the proposed rate change and rate design uniquely affects Vermont Quarries, I conclude Vermont Quarries has demonstrated a substantial interest that may be affected by the outcome of the proceeding. I will allow Vermont Quarries to address the reliability of its electric service in this proceeding because of its potential impact on the proposed rate change and rate design.

I grant Vermont Quarries permissive intervention, under Board Rule 2.209(B).<sup>2</sup>

**SO ORDERED.**

Dated at Montpelier, Vermont, this 31<sup>st</sup> day of March, 2010.

s/Mary Jo Krolewski

Mary Jo Krolewski  
Hearing Officer

OFFICE OF THE CLERK

FILED: March 31, 2010

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

---

2. There is no need to rule on Vermont Quarries' request to intervene as of right, given that I have granted it permissive intervention.